

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

JOSEPH H. LAVIGNE, JR.

Petitioner,

CIVIL ACTION NO. 3:13-cv-29691

v.

MARVIN PLUMLEY, Warden,  
Huttonsville Correctional Center,

Respondent.

**STATUS REPORT**

Pursuant to the Court's Order dated April 20, 2015, ECF No. 25, Petitioner Joseph H. Lavigne, Jr., by counsel, offers the following report as to the status of DNA testing ordered by the Circuit County of Putnam County, West Virginia.

The DNA testing of the vaginal swabs from the sexual assault kit and the additional DNA evidence sent to forensic DNA analyst Mr. David Hansen on March 12, 2018 has been completed. West Virginia Innocence Project is working on drafting the appropriate petition to exhaust all state remedies. WVIP anticipates filing the completed petition in the fall semester of 2018.

Petitioner therefore submits that the stay should remain in effect pending the anticipated events described above.

Respectfully submitted September 18, 2018.

JOSEPH H. LAVIGNE, JR.,  
*Petitioner.*

By counsel,

/s/ Valena Elizabeth Beety  
Valena Elizabeth Beety (WVSB 11907)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 18, 2018, I electronically filed the foregoing *Status Report* with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to:

Shannon F. Kiser, Esq.  
Assistant Attorney General  
OFFICE OF THE ATTORNEY GENERAL  
OF WEST VIRGINIA  
State Capitol Complex,  
Bldg. 1, Room E-26  
Charleston, WV 25305

/s/ Valena Elizabeth Beety  
VALENA ELIZABETH BEETY (WVSB 11907)